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In re Application of
Jerry E. Mann
Application No. 08/843,162
Filed: April 11, 1997
For: PORTABLE TREESTAND WITH A RECLINING
AND RETRACTABLE SEAT

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office, on October 6, 2003.

The petition is **DISMISSED**.

The application was held abandoned for failure to timely respond to the Notice to File Missing Parts (CPA) mailed July 29, 2002. A Notice to that effect was mailed September 26, 2003.

The petitioner states that a response was filed by mail with a Certificate of Mailing dated August 15, 2002.

Any petition to withdraw the holding of abandonment based upon a Certificate of Mailing must provide the following:

- (1) A copy of the original response bearing a signed Certificate of Mailing which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of mailing the original response on the date indicated on the Certificate of Mailing (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above, the petition fails under requirement (2) to provide a proper statement under 37 CFR 1.8(b)(3) attesting to personal knowledge of mailing the original response on the date indicated on the certificate, by the person who signed the certificate. Although a statement has been provided by David Hill, it fails to attest to personal knowledge of mailing the original response on the date indicated on the certificate. The statement that "our records indicate" does not constitute "personal knowledge" of the person who mailed the original response.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



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SNM/mjz: 5/10/04